

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Richard F. Stefan

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:
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3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
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4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Wisconsin

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Wisconsin

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Wisconsin

1 7. District Court and Division in which venue would be proper absent direct filing:

2
3 United States District Court - Eastern District of Wisconsin (Milwaukee)
4 division

5 8. Defendants (check Defendants against whom Complaint is made):

6 X C.R. Bard Inc.

7 X Bard Peripheral Vascular, Inc.

8 9. Basis of Jurisdiction:

9 X Diversity of Citizenship

10 □ Other: _____
11 a. Other allegations of jurisdiction and venue not expressed in Master
12 Complaint:
13 _____
14 _____
15 _____

16 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
17 claim (Check applicable Inferior Vena Cava Filter(s)):

18 □ Recovery® Vena Cava Filter

19 X G2® Vena Cava Filter

20 □ G2® Express Vena Cava Filter

 □ G2® X Vena Cava Filter

 □ Eclipse® Vena Cava Filter

1 Meridian® Vena Cava Filter

2 Denali® Vena Cava Filter

3 Other: _____

4 11. Date of Implantation as to each product:

5 November 12, 2008

6 12. Counts in the Master Complaint brought by Plaintiff(s):

7 X Count I: Strict Products Liability – Manufacturing Defect

8 X Count II: Strict Products Liability – Information Defect (Failure to
9 Warn)

10 X Count III: Strict Products Liability – Design Defect

11 X Count IV: Negligence - Design

12 X Count V: Negligence - Manufacture

13 Count VI: Negligence – Failure to Recall/Retrofit

14 X Count VII: Negligence – Failure to Warn

15 X Count VIII: Negligent Misrepresentation

16 X Count IX: Negligence *Per Se*

17 X Count X: Breach of Express Warranty

18 X Count XI: Breach of Implied Warranty

19 X Count XII: Fraudulent Misrepresentation

20 X Count XIII: Fraudulent Concealment

 X Count XIV: Violations of Applicable _____ (insert state) Law

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- Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages
 - Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

X Yes

No

RESPECTFULLY SUBMITTED this 18th day of April, 2017.

1

2 **LAW OFFICES OF BEN C. MARTIN**

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4 By: /s/ Ben C. Martin
5 Ben C. Martin
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7 Dallas, Texas 75219
8 214/761-6614 (Tel)
9 214/744-7590 (Fax)
10 *bmartin@bencmartin.com*

11 COUNSEL FOR PLAINTIFF

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on this 18th day of April, 2017, I electronically transmitted the
14 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
15 of a Notice of Electronic Filing.

16 _____
17 */s/ Ben C. Martin*
18 Ben C. Martin
19